

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

O. JOHN BENISEK, et al., \*

Plaintiffs, \*

v. \*

CIVIL NO. JKB-13-3233

LINDA H. LAMONE, et al., \*

Defendants. \*

\* \* \* \* \*  
ORDER

The parties and the public are notified as follows:

NOTICE OF CONTEMPLATED APPOINTMENT OF SPECIAL MASTER

For purposes of facilitating its Judgment dated November 7, 2018 (ECF No. 223), establishing a Congressional District Commission (the “Commission”) to undertake the redistricting task in the event the State does not submit a compliant redistricting plan by the March 7, 2019 deadline, the Court hereby provides notice of its intent to designate the Commission’s Chair, United States Magistrate Judge J. Mark Coulson, as a Special Master pursuant to Federal Rule of Civil Procedure 53 and Local Rule 301(5)(c), with duties as follows:

1. The Special Master should be prepared to proceed with all reasonable diligence should the State fail to meet its March 7, 2019 deadline.
2. The Special Master will chair the Commission tasked with the duty to prepare and recommend to the Court a redistricting plan consistent with this Court’s Memorandum Opinion and Judgment (ECF Nos. 222 and 223) and is granted all of the authority set forth in Rule 53(c) to assist the Commission in carrying out its task. This specifically includes the power to retain appropriate assistants and experts as may be reasonably necessary in the view of the Special Master for the Commission to

accomplish its task within the time constraints of the Court's Judgment. Costs generated in relation to such retention shall be borne by the Defendants. In addition to the materials currently before the Court, the Special Master may invite additional submissions, take testimony, hold hearings, and take whatever steps that, in his judgment, will reasonably assist the Commission to develop a compliant plan. The Special Master will also have the power to resolve disputes that might arise as between the Commission members on any matter relating to the development of a compliant redistricting plan.

3. The Special Master may communicate with the Court on any matter on an *ex parte* basis. As for intra-Commission communications, the Special Master should make every reasonable effort to communicate with the party-representative Commission members jointly on all substantive matters.
4. The Special Master shall preserve: (a) any minutes taken of formal meetings of the Commission after approval of such minutes by the Commission; (b) any transcripts made of formal testimony taken by the Commission; (c) any reports, compilations or other materials specifically relied upon by the Commission in developing its redistricting plan; (d) any reports generated by the Commission (excluding drafts of those reports); any other materials that, in his discretion, the Special Master concludes should be preserved.
5. The Special Master should keep the Court reasonably informed of the Commission's progress by way of a status report filed at regular intervals with the Court in advance of the Commission's July 8, 2019 deadline for filing its redistricting plan.
6. As a member of the Court, the Special Master shall not be entitled to any additional compensation.

No later than 15 days from the date of this Notice, the Special Master shall file the affidavit described in Rule 53(b)(3). Any party objecting to the appointment outlined in this Notice shall file such objection specifying the grounds no later than 30 days from the date of this Notice.

The Clerk shall docket and thereby publish this Notice.

So ORDERED this 13 day of November, 2018.

For the Three Judge Court:



Honorable James K. Bredar  
Chief Judge